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C O N F I D E N T I A L SECTION 01 OF 04 ALMATY 001725

SIPDIS

SCA/FO (JGASTRIGHT); SCA/CEN (JMUDGE); DRL/PHD
(CKUCHTA-HELBLING)

E.O. 12958: DECL: 05/16/2016

TAGS: [POLITICAL](#)

SUBJECT: A/S BOUCHER'S MEETING WITH GALYMZHAN ZHAKIYANOV,
OPPOSITION POLITICAL ACTIVIST, MAY 6, 2006

Classified By: DCM Mark Asquino for 1.4 reasons (b) and (d)

11. (C) Summary: On May 6, 2006, Assistant Secretary for South and Central Asia Richard Boucher and NSC Senior Director Elisabeth Millard met at the Ambassador's residence in Almaty with opposition political activist Galymzhan Zhakiyanov. The meeting followed the government of Kazakhstan's refusal to allow Zhakiyanov, who is on parole, to travel to Astana for an opposition roundtable with Vice President Cheney earlier that day. Zhakiyanov discussed the situation of the opposition. He also spoke about government restrictions on freedom of the press in Kazakhstan. Zhakiyanov said he saw free broadcast media as essential to strengthening civil society and bringing political reform to Kazakhstan. Zhakiyanov also said corruption was inhibiting Kazakhstan's economic growth. End Summary.

12. (SBU) Meeting Participants: SCA A/S Richard Boucher, NSC Senior Director Elisabeth Millard, U.S. Ambassador John Ordway, DCM Mark Asquino (notetaker), Galymzhan Zhakiyanov.

Zhakiyanov: Grounded in Almaty

13. (C) Mr. Zhakiyanov, founder of the Democratic Choice of Kazakhstan opposition movement (DVK), who subsequently served half of a seven year prison term for alleged corruption, thanked A/S Boucher and the NSC's Millard for the Almaty meeting. He said he regretted that "circumstances beyond his control" had prevented earlier in the day from traveling to Astana to attend an opposition leader roundtable in Astana with Vice President Cheney.

14. (C) A/S Boucher asked Zhakiyanov why Kazakhstanian authorities had refused him permission to travel to Astana. Zhakiyanov said the reason was clearly a political one. He had made five private trips since his release from prison in January. These included overseas travel; he had recently been to the United States where he visited his son who is a student at the University of Texas in Austin. However, on April 24 he had been turned away at Almaty International Airport when he attempted to board a plane to fly to Brussels. He had been invited to meet with European Union officials there to discuss the political situation in Kazakhstan. Zhakiyanov had appealed the Border Guard's refusal to let him leave the country on that occasion, but the courts had refused to hear his case. Now, he had been denied permission to travel within Kazakhstan itself to share his political views with Vice President Cheney.

Court Reverses Parole Conditions

15. (C) Zhakiyanov said the Pavlodar court's written order releasing him on parole in January stipulated only that he "notify" authorities of any intended travel. However, on April 28, the court reconvened at the request of Kazakhstanian law enforcement officials and claimed there was a "typographic error" in the parole document: "notify" should have been "seek permission" to travel. Zhakiyanov's lawyers had told him said there was no legal precedent for such a change. In his view, the court was selectively re-interpreting the terms of his parole due to a political decision, in an effort to justify retroactively the April 24 decision not to allow him to travel to Brussels. He added that the government's decision had portrayed Kazakhstan in a negative fashion with the international community -- first with the European Union and now the U.S. government.

Zhakiyanov Travel Raised with Government of Kazakhstan

16. (C) A/S Boucher said that both he and Ambassador Ordway had raised the issue of Zhakiyanov's travel with the Minister of Internal Affairs prior to the Vice President's arrival. The Minister had been unyielding, arguing that the government had the right to supervise the travel of its parolees, adding that in any case, this was something for the courts to decide. The Ambassador noted that he had spoken about allowing Zhakiyanov to attend the opposition-Cheney roundtable with Foreign Minister Tokayev, Ambassador Saudabayev, Presidential Administration Head Dzhakhshybekov, and Presidential Administration advisors Tazhin and

Utemuratov. All had been evasive, and none had been effective on the issue, although there had been some initial signals that the order would be changed. The Ambassador said that GOK interlocutors maintained there had been a mistake in the original order. They claimed that Zhakiyanov's legal appeal on the Border Guard's refusal to allow him to travel to Brussels had slowed down the process of finding a solution to the broader travel issue.

17. (C) Zhakiyanov noted that the courts received many appeals in cases against opposition leaders. While he had no statistics on the actual number of cases, he said that in the past three to four years, the courts had consistently turned down the appeals or ruled against the opposition. This had happened in cases involving individuals, political parties and independent media. Members of the opposition had become desperate, and often said it was futile to turn to the courts. Zhakiyanov noted, though, that he always replied that giving up on the legal system would play into the hands of the authorities. By filing court cases, opposition members were able to make their situation known to the public. He also thought that in the process those within the system, including judges and prosecutors, were exposed to the Government's biased legal treatment of the opposition.

Limited Freedom of the Press in Kazakhstan

18. (C) Turning to the issue of freedom of the press in Kazakhstan, Zhakiyanov noted that there was really no independent broadcast media in the country. There were some newspapers and websites that presented opposition views. The Ambassador said that weekly newspaper "Vremya" ("Time") had been surprisingly bold in recently running photos of slain opposition leader Sarsenbaiuly's relatives and associates being beaten by police during a peaceful public observance in his memory. Zhakiyanov replied that Vremya was less independent than it had been before its ownership changed last Fall. Its original editorial staff had remained at the weekly only on the condition that they be allowed a modicum of freedom. Zhakiyanov thought it was only a matter of time before the new, pro-government owners forced the newspaper to stop taking such an independent editorial line. The Ambassador allowed that this might very well be the case, but nevertheless, Vremya was still one of the country's most balanced and objective newspapers.

19. (C) A/S Boucher observed that during the roundtable with the opposition earlier that day, Vice President Cheney had asked participants for their views on political reform. Opposition leaders noted that access to the media had not been fair during the December Presidential elections. Boucher said, however, that during his meeting with Central Election Commission (CEC) Chairman Zhumabekov the latter had stressed that all parties, including the opposition, had been given equal television time during the presidential election campaign. Boucher asked Zhakiyanov if there was a disconnect between the opposition's view of media access and what the Central Election Commission claimed was equitable treatment.

10 (C) Zhakiyanov said that in fact all presidential candidates, including President Nazarbayev, had been allotted just 15 minutes of free broadcast media time to address the electorate directly. Coverage of the candidates during news programs was also supposed to be balanced. However, even when there was "equal time" allotted, the portrayal of President Nazarbayev in news coverage was usually positive while time allotted to the opposition candidates portrayed them in a selective, negative fashion. The Ambassador added that this had been especially true of the media's coverage of President Nazarbayev and his principal opponent, For a Just Kazakhstan's Zharmarkhan Tuyakbay.

Who Owns the Media?

11. (C) Responding to a question from A/S Boucher, Zhakiyanov said that much of the problem of bias against the opposition was due to state or pro-government media ownership. There were four national television networks. "Kazakhstan 1" was state-owned and operated. Private television network "Khabar" was widely believed to be controlled by President Nazarbayev's daughter, Dariga Nazarbayeva. The third network, "KTK" was also private and owned by Dariga's husband, Rakhat Aliyev. Private Channel 31 was rumored to be owned by a presidential insider. The Ambassador noted that of the four, Channel 31 had a degree of independence lacking with the others.

12. (SBU) In Zhakiyanov's view, Ch. 31 was better only to a limited degree. He underscored that it too did not allow opposition leaders to present their views in its broadcasts. In addition to Kazakhstan's four national networks, Zhakiyanov noted there were two additional "Russian" outlets (Eurasia and El Arna). However, they were Russian in name only. Owned by Kazakhstanis, the stations re-broadcast

Russian media programming including newscasts. A/S Boucher asked if the two Russian stations broadcast any local news. Zhakiyanov said their programming carried very little local reporting. On the few occasions when Russian media ran negative stories about Kazakhstan, these reports were edited out of the newscasts broadcast here. Ambassador Ordway added that a popular Russian interview program had been completely pulled from the Russian channels' line-up because it was focusing on Kazakhstani subjects.

"Television, television, television."

13. (C) A/S Boucher then asked Zhakiyanov what he regarded as the top three or four things that would most help the country achieve political reform. How about changes to the government's Democratization Commission or addressing the problem of a lack of independent media? Zhakiyanov said what was needed was "television, television, television." Free broadcast media would provide citizens with the information they needed to have informed views. This, in turn, would strengthen civil society. A stronger civil society would change the country.

14. (C) In addition, Zhakiyanov said that limiting presidential power and allowing for the direct election of local governors were also important. Changes in the composition of the Central Election Commission were also needed. However, such steps were not enough to bring about real reform because the problem was one of changing the Kazakhstanis' mentality. A/S Boucher asked if the mentality was "Soviet" and if so, was it shared by the country's youth? Zhakiyanov said that the older generation was certainly guided by Soviet thinking. There was hope for the younger generations, but 20 years was too long to wait for generational change. He noted that Ukraine was a country that had been much like Kazakhstan, but open access to information had transformed how the Ukrainians viewed government. The latter was the key to success rather than economic development. Better to be poor and free than rich and autocratic. A/S Boucher added that the best of all worlds was "rich and free."

Democracy and Economic Growth

15. (C) A/S Boucher said during his Astana visit, Vice President Cheney had stressed the link between democracy and economic progress. While large oil companies might not be affected by a lack of democracy, the rest of the economy would. Freedom and a fair judicial system were essential for small and medium business to prosper and develop the sort of creativity needed for economic diversity.

16. (C) Zhakiyanov said that even oil sector investors companies were being negatively affected by business conditions in Kazakhstan. Large oil companies were successful here due to preferential government treatment rather than fair competition. This in turn discouraged medium-size U.S. oil companies from investing in Kazakhstan. At the same time, propped up by oil revenues, Kazakhstan's government was not doing enough to encourage investment in other economic sectors. The government performed poorly in its collection of taxes. Kazakhstan's Gross Domestic Product was three or four times greater than the government's tax collection. Official corruption was rampant. Due to the latter, businessmen saw that it was more beneficial to bribe officials than allow for honest inspections and audits. There was no value in being an honest businessman in Kazakhstan.

17. (C) A/S Boucher and the Ambassador replied that U.S. investors were prohibited by U.S. law from offering bribes. Those who broke the law went to jail. Zhakiyanov said that he was aware of this. When he had been regional governor of Pavlodar he had worked closely with American energy distribution company AES, which he regarded as an excellent investor. However, he said that AES's refusal to pay bribes to government officials had created major problems for the company's business operations. The Ambassador agreed, but noted that AES had persevered in doing business in Kazakhstan despite these problems. Its operations were now on a solid footing. President Nazarbayev had recently spoken positively about the company. The Ambassador added that AES was actively involved in working to provide electric power lines to China, a project that Zhakiyanov had advocated as governor.

Kazakhstan and Singapore

18. (C) A/S Boucher noted that Singapore's former president Lee Kwan Yew had built his country through clean government and strong organizational skills. Although Kazakhstan and Singapore were certainly different from each other, it was odd that neither Lee nor Nazarbayev was willing to compete in a fair election despite their great popularity. Clearly, both were strong enough to be fairly elected. Why then was

it that Nazarbayev, like Lee, preferred to govern through a controlled system rather than one in which he could be fairly elected?

19. (C) Zhakiyanov said he had often asked himself the same question. At one time he had been very close to President Nazarbayev, and their wives had been good friends. What Zhakiyanov had concluded was that Nazarbayev had no experience with democracy, and that he did not want to live in such a system. The only model for a political party model that he understood was based on the Communist party. In addition, this was a very difficult time for Nazarbayev. There had been public charges that members of his family had been involved in political opposition leader Altynbek Sarsenbaiuly's murder. He was engaged in an open, political dispute with his daughter Dariga, whom he feared as a competitor. If there had been a time when Nazarbayev might have turned toward democracy, that moment had passed.

Kazakhstan's Political Future

20. (C) A/S Boucher asked if Kazakhstan was following Russia's political lead. Zhakiyanov said he didn't think so. Russia had long existed as an independent state whereas Kazakhstan had not been one until 1991. At first Kazakhstan was euphoric about its independence. Nazarbayev followed Gorbachev's and Yeltsin's lead, because he saw them as more experienced leaders who were role models. However, their mistakes had led Nazarbayev to move in a different direction. Kazakhstan's economic success under Nazarbayev's leadership had resulted in his viewing himself as something of a role model for Putin, who was the younger and less experienced of the two. Zhakiyanov thought that Russia in turn had followed Kazakhstan's lead in passing laws on parliament, NGOs, foreign investment and the media.

21. (C) However, Zhakiyanov added that Kazakhstan's stability had been achieved at the price of the freedom of its people. In contrast, Ukraine's people and society had been ready to oppose authoritarianism and assume power. Kyrgyzstan, though, had shown that its people and society were not ready to do this. For this reason, Zhakiyanov thought that it was essential to prepare now for the post-Nazarbayev period. He concluded that the only way to build civil society here was providing citizens with unfettered information. If this happened, the people of Kazakhstan, like those in Ukraine, would be prepared to make independent decisions about their future.

22. (U) A/S Boucher concluded the meeting by saying that he would convey Zhakiyanov's regards and a summary of their meeting to the Vice President.

23. (U) This message was cleared by A/S Boucher.

ORDWAY